Sectt. II-27—50,006—27-10-41.

Public Works (Marine)

(1942) Department.

M.S. SERIES.

G.O. No. 2094,

Dated 23rd June 1942.

[Despatch Abstract.]

Port Department - Compassionate gratuity - Mangalore - Dredger "Gurpur" - Late Louis D'Souza, fireman - Compassionate gratuity to the widow - Inadmissible - Orders.

C.F. 32 (a).

PORT Department

From (Name) W. F. Ruffle, Esq.,

Designation Presidency Port Officer, Madras,

Station Calicut.

Received ..... Registered 28 MAY 1942

606

To

The Secretary to Government,
Public Works (Marine) Department,
M a d r a s.

UNDER SECRETARY TO GOVT. PUBLIC WORKS DEPARTMENT

To U.S

Enclosures:

Ago no. 46 W 5.1.29
1 Ago 1782 fwd 30.9.37
reference in para 2 of the
call for from which are
awaited. Shd may be told
their receipt.

3.6.42

No. 2149 Pl/41-5 dated 27th May 1942.

Sir,

Port of Mangalore - Dredger establishment Louis D'Souza deceased fireman - Petition from the widow for compassionate gratuity.

I have the honour to forward, for the favourable consideration and orders of Government, a petition dated 27-10-1941 for the grant of compassionate gratuity from the widow of the late Louis D'Souza, fireman, dredger "Gurpur" at the port of Mangalore who died on 9-1-1940.

2. The deceased fireman had put in a service of over 12 years in the dredger establishment at the port of Mangalore. The Revenue enquiry shows that the petitioner who is 24 years old has two children aged 8 and 5 years respectively and an aged mother entirely dependent on her. The petitioner has not re-married and there are none to protect the family. The deceased has left no property or savings and she is now a daily-wage earner in a weaving factory, getting 3 to 4 annas a day. The petitioner's case is reported to be a deserving one

one. She applied to the Port Officer, Mangalore for the grant of a gratuity immediately after the death of her husband, but she was informed that as her husband had not put in the requisite service of 15 years according to the rules in G.O.Nos.Ms.1982 Public Works dated 30-9-1937 and 46 dated 9-1-1929, she was not entitled to any gratuity. Subsequent to the issue of the Madras Compassionate Gratuities (Non-pensionable Establishment) Rules 1941 she has put in another petition to this office for the grant of a compassionate gratuity. With the concurrence of the local Port Conservancy Board, the Port Officer, Mangalore recommends a compassionate gratuity of Rs.64/-, being 4 months' pay permissible under Rule 4, ibid. I support his recommendation and request the sanction of Government thereto.

*Vide page 1 above

3. The expenditure on the above account is debitable to "Provincial-Mangalore Landing and Shipping Fund".

I have the honour to be,
S i r,
Your most obedient servant,

Presidency Port Officer.

Encls:-
1. Petition
2. Report of Revenue enquiry with Port Officer's report.
3. Descriptive roll of the Petitioner.
4. Copy of Port Conservancy Board's resolution.
5. Details of the service of the deceased.

61 d Kent Road 2149 ff/41
Mangalore P.O
S. Kanara

27. 10. 1941

To
The Presidency Post Office
Madras

Most Humble representation submitted by
Rosalind Souza
Widow of the Late Louis D'Souza
Fireman - Dredger - Griffon
Residing near D. Adapa's Dispensary
61 Kent Road Mangalore

Most Respected Sir

I most humbly seek your honors permission to approach your honor with this representation setting the following facts for your honors kind and sympathetic consideration.

I am the unhappy and unfortunate Widow of Louis D'Souza - employed as Fireman on the dredger Griffon for 12 long years and who died on 1.10.40 leaving behind myself & small children one aged 8 years & other aged five with no one to look after & have none nothing & live upon. to support. except an aged widowed mother poorer than myself. I have immediately after the demise of my husband approached the Post Office, Mangalore, for some help in the shape of Gratuity or Compassionate allowance, but was ill luck never have it, I was favoured with no reply. I did not even get the pay of my husband for the period he was lying ill in the hospital -

I was advised & sent by some friends
who told me petitions for aid
take Considerable time, the petitioners
are destitute & hence I was waiting
anxiously hoping against hope
I am to an other Mohammedan
employees sons who died subsequently
receiving help. I am exceedingly
poor women and myself and
my orphan Children are now
actually on the verge of Starvation
In these Circumstances I
most humbly and respectfully
implore that Your Honor may
be graciously pleased, Overlooking
all petty Considerations, to
Cast a glance of mercy pity
and Sanction me some help
for which act of mercy
& magnanimity I shall
ever feel Grateful

I beg to remain
Most Respectfully Yr
your most obt Servt

Left thumb
impression
of Petitioner

No. 2033/41-4.

3 2149 5/41

PRESIDENCY PORT OFFICER
30 JAN 1942
MADRAS

Retransmitted to the Presidency Port Officer, Madras.

2. The amount of compassionate gratuity that may be paid to the petitioner is Rs.64/- i.e., 4 months pay for a total service of 12 years as per rule 4 of the Madras compassionate Gratuities Rules 1941 taking the monthly pay as defined in Rule 3(c). Rule 1(2) of the Rules says that the rules shall be deemed to have come into force on the 1st day of April 1941 although the late fireman Louis D. Souza died on 9-1-1940.

The enquiries instituted by the Revenue Authorities reveal that (1) the deceased wife, the petitioner aged 24 years has one minor son aged 8 years and a daughter aged 5 years and an aged mother of the petitioner depending on the petitioner. The petitioner has not re-married nor has she father or brother to protect her.

(2) The petitioner and her children are living in a rented house paying a rent of Re.0-4-0 per month.

(3) The petitioner is a daily wage earner in a weaving factor getting 3 to 4 annas per day.

(4) The petitioner has no moveable or immoveable property, nor had the deceased left any property or any savings bank or Provident Fund or Insurance.

The petitioner's case is one deserving of consideration.

A descriptive roll of the petitioner is enclosed.

A statement of service in the absence of Service register is also enclosed.

Port office, Mangalore.)
Dated 27th January 1942.)

Port Officer.

Descriptive Roll of Rosalind Souza — 7
widow of the late Louis D'Souza
Fireman Dredger "Lourdes" residing in
the east of Dr. Adaptas Dispensary,
old Kent Road, Mangalore taken down
by the Revenue Inspector Mangalore

1) Height 4.' 11"
2) Age 24 years
3) Colour Fair in complexion
4) Personal marks of any On the tattoo mar
On the hand face etc., mark in the inner
right hand, below
the elbow joint an
one boil scar on the
inside portion of the
left-hand elbow joint

5) Signature or left-hand thumb and finger impression

Small finger Ring finger Middle finger Index finger Thum

(Before me)

Mangalore
8. 1. 1952

V Venkataraman
Revenue Inspector
Mangalore

Copy of Resolution No.VIII of the Port Conservancy Board Mangalore dated 24-2-1942.

Read Presidency Port Officer's No.2149/G1/41-9 dated 9-2-1942 requesting to obtain the approval of the Port Conservancy Board for the grant of grautity to the widow of Louis D'Souza, late fireman Dredger "Gurpur" and indicate the source from which the expenditure may be met.

"The Board approves of payment of gratuity to the widow. The expenditure may be met from the Cash closing balance 1941-1942."

jmc

Statement of Service of Louis D'Souza, late Fireman, Dredger 'Gurpur', Mangalore.

Commenced service as Boy Cleaner, Grab dredger, Mangalore on Rs.9/- per mensem from - 2-12-1927.

		From	To
Boy Cleaner, Grab dredger, Mangalore - Pay	Rs.9/-	2-12-1927	- 27-9-31
Leave on loss of pay ...	-	28-9-1931	- 30-9-1931.
Boy Cleaner ...	- "	Rs.9/- 1-10-1931	- 8-10-'31
Fireman, Grab dredger, Mangalore	- (Rs.12-18) Rs.12/-.	9-10-1931	- 8-10-'34
Do.	- Rs.13/-	9-10-1934	-22-8-'37
Fireman, Dredger 'Gurpur' Mangalore	(15-1/2-25) Rs.15/-	23-8-37	- 8-2-1938
Leave on loss of pay ...	-	9-2-1938	-11-2-1938
Fireman, Dredger 'Gurpur'	- Rs.15/-	12-2-1938	- 14-11-1938
Leave on loss of pay ...	-	15-11-1938	- 16-11-1938
Fireman, Dr. 'Gurpur'...	-	17-11-1938	- 27-8-1939
Fireman, Dredger'Gurpur'	- Rs.16/-	28-8-1939	- 2-10-1939
Leave on loss of pay ...	-	3-10-1939	- 4-10-1939
Fireman Dredger 'Gurpur'	- Rs.16/-	5-10-1939	- 26-12-1939
Leave on lossof pay ...	-	27-12-1939	- 29-12-1939
Fireman, Dredger 'Gurpur'	- Rs.16/-	30-12-'39	- 31-12-1940
Leave on loss of pay ...	-	1-1-1940	- 9-1-1940.

Total service from 2-12-1937 to 9-1-1940: 12 years 1 month 7 days

Port office, Mangalore.)
Dated 27th January 1942.)

Port Officer.

2/25/6

C.F. 16.

P.W (Mar).

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..	A.R. 25/6.	
When examined..		
When signed ..		
When despatched.		

SUBJECT :— Post Department - Compassionate gratuity - Mangalore - Dredger "Ejurpur" - late Louis D' Souza, fireman - compassionate gratuity to the widow inadmissible - orders.

READ AGAIN Go. No. 498 Fin (Pay), dated 22-8-1941. 19 (F)

" " " 19

READ *ALSO* :—

e. No. bobvi/42 from the P.P.O., No. 2149 ef/41-5 dated 27.5.42 ef 19

" " " " " 19

" " " " " 19

Order ~~Resolution~~ Ms. No. 2094, dated 23.6.42 19

~~The Govt direct that~~ The Madras Compassionate Gratuities (Non-pensionable Establishment) Rules, 1941 which came into force from 1-4-1941 have no retrospective effect. As Louis D'Souza, late fireman, Dredger 'Ejurpur', Mangalore died on 9-1-42 compassionate gratuity under the above rules is not admissible to his widow. ~~of the late Louis D'Souza.~~

II on p 2 of (F)

p 1 of

Dft sent 17/6 17.6.42

To the P.P.O.

" Exmn & F. Accts.

(copy for file)

KJ 17/6

4

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Port Dept – compassionate gratuity – Petition from the widow of the late Louis D'Souza, fireman, Dredger "Ejurpur", at the port of Mangalore.

C.no.6 dt 6.VI.42 of ? — from the P.P.O. No. 2149 ef/41-5 dt 27.5.42

To U.S.

pp3-4 ef — The P.P.O has forwarded a petition dated 27-10-41 from the widow of the late Louis D'Souza, fireman, Dredger 'Ejurpur', Mangalore, for the grant of a compassionate gratuity.

2. The late fireman commenced service as Boy cleaner, Grab dredger, Mangalore on 2-12-1927 & p11 ef died on 9-1-1940 while holding the post of fireman pp11 & 1 ef on the DY "Ejurpur". It is observed from the reasons & 5 ef ~~stating that the petitioner~~ the had put in a service of over 12 years & was drawing Rs. 16/- (monthly pay) at the 12y. 1m. 7d. (p11 ef) time of his death. It is observed from the reasons stating that the petitioner (minor) who is 24 years old has 2 children & pp5 & 1 ef aged 8 & 5 years respectively & an aged mother entirely dependent on her, that she has not re-married & that there are none to protect the family. The deceased has left no property or savings & the widow is now a daily-wage earner in a weaving factory getting 3 to 4 annas a day. Her case is reported to be a deserving one.

3. The petitioner applied to the Port Officer, Mangalore for the grant of a gratuity immediately after the death

of her husband, but she was informed that she was not entitled to any gratuity as her husband had not put in the requisite service of 15 years according to the rules in Go. No. 466 & 9.1.29 relating to gratuity as made applicable to non-pensionable establishments on dredgers & other floating craft in Gos. Ms. No. 1982 P.W & 30.9.37. Subsequent to the issue of the Madras Compassionate Gratuities (Non-pensionable Ests) Rules 1941 in Go. No. 498 Fin (Pen) & 22.8.1941, she has put in another petition ie petition & 27-10-41 on pp3-4 of. With the concurrence of the local P.C. &c, the Post Officer, Mangalore has recommended a compassionate gratuity of Rs. 64 - equal to 4 months' pay permissible under rule 4 of the above Go. The P.M.G supports the P.O's recommendation.

4. It is submitted that the late foreman died on 9-1-40. Rule 1(2) of the Madras Compassionate Gratuities Rules, 1941 says that the rules shall be deemed to have come into force on the 1st day of April 1941. It has been proposed to pay Rs. 64 as compassionate gratuity according to rule 4 ibid. although the employee died on 9.1.40 & the rules came into force on 1-4-41. Attention is in this connection invited to the Fin (Pen) Dept notes & 6.1.42, 18.3.42 & 5.5.42 on pp7, 5 & 2 of memo. No. 282 VI/42-1 PW & 8.5.42. It has been held by Fin that Go. No. 498 Fin (Pen) & 22.8.41 has no retrospective effect. As the individual in question died on 9.1.40 - ie before the rules came into force ie 1-4-41, the gratuity recommended is inadmissible. In the circumstances it is left for orders whether the request for the grant of gratuity may be rejected or negatived. Forwarded.

Draft order submitted for approval.